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Intellectual Property Administration
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Docket No.: 10990763-2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daniel W. Hepner et al.

Application No.: 09/422,998

Confirmation No.: 6218

Filed: October 21, 1999

Art Unit: 2168

For: METHOD AND APPARATUS FOR
NOTIFICATION OF USER WHEN CHANGES
HAVE OCCURRED IN COMPLEX
DERIVATIONS OF DATA

Final Action: H. Q. Pham

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.41(a)(1), this Reply Brief is filed within two months of the
Examiner's Answer dated October 31, 2005, and is in furtherance of the Appeal Brief filed
on April 25, 2005.

No fee is required for this REPLY BRIEF.

This brief contains items under the following headings as required by 37 C.F.R.
§ 41.41 and M.P.E.P. § 1208:

I.	Status of Claims
II.	Grounds of Rejection to be Reviewed on Appeal
III.	Argument

I.   STATUS OF CLAIMS

A.   Total Number of Claims in Application

There are 19 claims pending in the application.

B.   Current Status of Claims

      1.   Claims canceled: 6, 15, and 19

      2.   Claims withdrawn from consideration but not canceled: None

      3.   Claims pending: 1-5, 7-14, 16-18 and 20-22

      4.   Claims allowed: None

      5.   Claims rejected: 1-5, 7-14, 16-18 and 20-22

C.   Claims On Appeal

The claims on appeal are claims 1-5, 7-14, 16-18 and 20-22

II.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed are the same as in Appellant's Appeal Brief:

Claims 1-5, 8-13, 16-18, and 20-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,182,249 (hereinafter, *Wookey*).

Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Wookey* in view of Transact-SQL User's Guide, 1996 (hereinafter, *Sybase*).

III.   ARGUMENT

A.   Note on "Grouping of Claims"

On page 3 of the Examiner's Answer, the Examiner remarks that all of the claims should stand or fall together because Appellant's Appeal Brief did not include a statement under 37 C.F.R. §1.192(c)(7). Appellant notes that the claims should not stand or fall together, as the Examiner's understanding is based upon a rule that has been replaced. Specifically, such requirement set forth in 37 C.F.R. §1.192(c)(7) has been replaced by requirements in 37 C.F.R. §41.37(c)(1)(vii). The new rule replaces the old requirement for the "stand or fall together" statement with a new requirement for separate subheadings and separate arguments for claims to be separately considered. Appellant respectfully submits that the Appeal Brief complies with the requirements of 37 C.F.R. §41.37(c)(1)(vii) and that claims argued separately therein should be separately considered.

B.   Note on "Claims Appealed"

On page 3 of the Answer, the Examiner notes that the Appendix supplied with the Appeal Brief failed to list claims 16-18 and 20-22, which are on appeal. Appellant apologizes for the confusion and thanks the Examiner for his consideration in supplying a listing of the claims. The claims supplied by the Examiner properly reflect the claims as they now stand with mark-ups showing amendments entered prior to appeal.

C.   First Ground of Rejection

Appellant hereby reiterates the arguments presented in the Appeal Brief by reference thereto, and submits the further arguments below to address the specific points raised in the Examiner's Answer. The claims stand or fall according to the organization in the Appeal Brief as specified by 37 C.F.R. §41.37(c)(1)(vii); however, some of the arguments presented below addressing specific points in the Examiner's Answer are not argued for each claim under separate headings, but are instead combined for one or more claims in order to provide brevity for the convenience of the Board. Appellant maintains that the claims argued separately in the Appeal Brief should be considered separately, even if not addressed separately herein.

Claims 1-5, 8-13, 16-18, and 20-22 are rejected under 35 U.S.C. §103(a) over *Wookey*. Appellant traverses the rejection of claims 1-5, 8-13, 16-18, and 20-22 by showing lack of proper motivation to modify *Wookey* and failure to show claimed limitations in *Wookey* as modified.

1.   Lack of Motivation to Modify

The proposed modifications of *Wookey* are improper because the motivation provided by the Examiner is incorrect. In rejecting claims 1, 4, 13, and 18, the Examiner provides the following reasoning:

> Therefore, it would have been obvious to one of ordinary skill in the art at the
> time the invention was made to use the diagnostic test as query for existence
> of attribute condition in order to issue an alert indicating predefined condition
> exist in a computer system.

See, e.g., Final Action at 15. This is the reasoning used throughout the Final Action to reject claims 1-5, 8-13, 16-18, and 20-22. As explained in the Appeal Brief, such motivation is incorrect because the system of *Wookey*, without modification, issues an alert indicating a predefined condition exists in a computer system. *See Wookey* at Abstract, first sentence. Accordingly, one of ordinary skill in the art would not be motivated to modify *Wookey*, as proposed.

In the Examiner's Answer, the Examiner does not cure the deficiency nor adequately explain the motivation supplied in the Final Action. Note, for instance, the Examiner's

argument at pages 23-25 of the Examiner's Answer. Such argument is repeated at pages 29-30, 37-38, and 42-44 of the Examiner's Answer. In the arguments, the Examiner appears to describe various features of the *Wookey* system, specifically emphasizing enablement and disablement of tests according to the monitored system. Without conceding that the Examiner's assertions in the arguments correctly characterize *Wookey*, it is asserted that the arguments are irrelevant to the issue of motivation to modify. For instance, the arguments do not address the fact that *Wookey*, without modification, issues an alert indicating a predefined condition exists in a computer system. Further, the arguments do not clarify the original statement regarding motivation, nor do they provide another reason why one of ordinary skill in the art would have been motivated to modify *Wookey*. Thus, the rejection fails to provide proper motivation for the modification.

A further instance of lack of motivation to modify *Wookey* exists in the rejections. In the "Response to Arguments" portion of the Examiner's Answer, the Examiner states:

> As suggested by *Wookey*, the test can be selectively enabled or disabled according to the monitored system (Col. 16, lines 19-20). Because, as it was well known to one of ordinary skill in the art, in order to enable a specific test, a test name has to be specified, e.g., dt test, by selecting as taught by *Wookey*, and the test or query is specified by the enable request via test name.

Examiner's Answer at 24 (emphasis omitted). It appears from this paragraph that the Examiner is suggesting that specifying a particular test by name is not taught or suggested by *Wookey* but is known in the art. However, the Examiner has not provided any reason why one of skill in the art would be motivated to modify *Wookey* to provide for specifying a particular test by name. Thus, the rejection fails to provide proper motivation for the modification, and no prima facie case of obviousness is made. Accordingly, the rejection of claims 1-5, 8-13, 16-18, and 20-22 should be overturned.

2.   Failure to Teach or Suggest Every Limitation

a.   Claims 1, 4, 13, and 18

In addition to the lack of motivation, the 35 U.S.C. §103 rejection is improper because *Wookey* does not teach or suggest every element of claims 1, 4, 13, and 18. *Wookey* teaches two computer systems—a monitoring system (system 100 of figure 1a) and a monitored

system (system 102 of figure 1b). The monitored system runs diagnostic tests on itself and periodically reports the results to the monitoring system. *See Wookey* at Col. 3, line 3 through Col. 4, line 11. The tests that are performed are run under the control of monitor control software that is contained within the monitored system. *See Id.* at Col. 4, lines 4-6 and figures 1a and 1b. When the monitoring system receives the results of the diagnostic tests, it creates a model of the state of the monitored system and compares that model to one or more alarms that are set to indicate predefined conditions. *Id.* at Abstract. Output to the user is in the form of token values, host states, or alarms. *See Id.* at Col. 11, lines 8-44, and Col. 16, lines 41-42. *Wookey* does not teach or suggest that the results of tests are viewable by a user.

In the Examiner's Answer, the Examiner changed the reasoning for the rejections used in the Final Action in response to the Appeal Brief. Specifically, the Examiner points to the support engineer to teach a client (in the case of claims 1, 4, and 13) and to a Graphical User Interface (GUI) to teach a client application program (in the case of claim 18). *See* Examiner's Answer at 5, 9, 14, and 17. Also, the Examiner argues that the tests must be selectively enabled by the support engineer or GUI, thereby teaching a request that is a query from a client or client application program. *See Id.*, e.g., at 7-8. However, the argument still fails to show that the claims are obvious over *Wookey*, as discussed below.

First, contrary to the Examiner's assertion, a test in *Wookey* is not "a request from a client <u>to notify said client</u> of a condition of an attribute of a system," (emphasis added) as recited by claims 1, 4, and 13, nor is it "a request <u>to notify said client application program</u> of a condition of an attribute of a system," (emphasis added) as recited by claim 18. As mentioned above, *Wookey* does not teach or suggest that a support engineer or GUI sees the results of the tests; rather, output is in the form of alerts, token values, or host states. *See Wookey* at Col. 11, lines 8-44, and Col. 16, lines 41-42. Thus, the tests themselves are not requests "from a client to notify said client of a condition of an attribute of a system" or requests "to notify said client application program of a condition of an attribute of a system." Accordingly, the Examiner's new reading of *Wookey* fails to teach or suggest "a request from a client to notify said client of a condition of an attribute of a system," as recited by claims 1, 4, and 13 and "a request to notify said client application program of a condition of an attribute of a system," as recited by claim 18.

Additionally, the Examiner's reasoning that *Wookey* teaches or suggests, "using by said reporting application said query for querying said system as specified by said request, for existence of said condition of said attribute," as recited by claim 1, is incomplete. Similarly the reasoning is likewise incomplete in the Examiner's assertion that *Wookey* teaches "using said query for querying said systems as specified by said request, for existence of said condition of said attribute," as recited by claim 4, or "querying said system as specified by said request," as recited by claims 13 and 18. For example, *Wookey* does not teach or suggest that the tests can be selectively enabled by a support engineer, as alleged by the Examiner. The Examiner states:

> As suggested by *Wookey*, the test can be selectively enabled or disabled (Col. 16, Lines 19-20). Obviously, in the knowledge of one of ordinary skill in the art, to receive an alert of a particular system attribute, e.g., alert indicates the amount of disk free is below a threshold, a support engineer has to make a request of a specific test to be enabled, e.g., dt test, by selecting as taught by *Wookey*, and the test or query is specified by the enable request.

Examiner's Answer at 7-8 (emphasis omitted). However, the Examiner incorrectly assumes that *Wookey* teaches that the support engineer can enable or disable tests. *Wookey* merely states at column 16, lines 19-20 that the tests can be selectively enabled or disabled "according to the monitored system." In fact, it appears that this is the only sentence in *Wookey* that mentions such enabling and disabling. *Wookey* does not teach or suggest that a support engineer can perform the enabling and disabling because merely mentioning enabling and disabling is not enough, without more, to teach or suggest who or what performs the enabling and disabling.

The further shortcoming in the Examiner's reasoning is evident from the above-quoted passage from the Examiner's Answer, wherein the Examiner states that "a support engineer <u>has</u> to make a request of a specific test to be enabled," (emphasis added). Once again, the Examiner reads too much into *Wookey*, as *Wookey* does not teach or suggest that a support engineer must enable specific tests. That specific tests may be enabled or disabled is not enough, without more, to teach that a support engineer <u>must</u> enable tests.

Thus, *Wookey* does not teach or suggest that a support engineer may or must enable or disable tests in the *Wookey* system. Accordingly, the new reasoning fails to support the rejections. Should the Examiner intend to now argue that selectively enabling and disabling

is a known feature that may be combined with *Wookey*, such an assertion constitutes a new ground of rejection that must specify the requisite motivation for making such combination.

As shown above, the new reading of *Wookey* in the Examiner's Answer still fails to show that *Wookey* teaches or suggests, "using by said reporting application said query for querying said system as specified by said request, for existence of said condition of said attribute," as recited by claim 1, "using said query for querying said systems as specified by said request, for existence of said condition of said attribute," as recited by claim 4, or "querying said system as specified by said request," as recited by claims 13 and 18. Further, the new reading also fails to show that *Wookey* teaches or suggests, "a request from a client to notify said client of a condition of an attribute of a system," as recited by claims 1, 4, and 13, nor is it "a request to notify said client application program of a condition of an attribute of a system," as recited by claim 18. Accordingly, reversal of the rejection of claims 1, 4, 13, and 18 is respectfully requested.

b.   Dependent Claims

Dependent claims 2, 3, 5, 8-12, 16, 17, and 20-22 are allowable over the rejection of record at least because they depend from respective dependent claims 1, 13, and 18. Additionally, the claims recite features that are patentable in their own right, as discussed further in Appellant's Appeal Brief.

i.   Claim 8

In the Appeal Brief, Appellant argued that *Wookey* does not teach or suggest at least "wherein said information specifying a query for said system attribute comprises multiple transactions bracketed together," as recited in part by claim 8. In response to the Appeal Brief, the Examiner changed the reasoning for the rejection of claim 8 from that provided in the Final Office Action, stating:

> As disclosed by *Wookey*, the tests can be selectively enabled or disable according to the monitor system (Col. 16, Lines 19-20). *Wookey* further discloses the tests are run at a particular time period (Col. 5, Lines 45-46). As seen, in order to specify a test or query in an enable request, a support engineer have to select a test for enabling, also specify a run time for the test. Selecting a test for enabling, and specifying a run time are multiple transactions bracketed together.

Examiner's Answer at 11 and 34. In other words, the Examiner now asserts that enabling a test and specifying a time period for the test are bracketed transactions. However, *Wookey* does not teach or suggest that an engineer can specify a time period for tests to run. *Wookey* merely states that "a host state is the state of the monitored system ... over the particular time period that the diagnostic tests were run." *Wookey* at Col. 5, lines 44-46. Furthermore, *Wookey* certainly does not teach or suggest that an engineer <u>must</u> specify a run time for the test, as asserted by the Examiner. *See* Examiner's Answer at 11 and 34. Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection of claim 8 be overturned.

ii.   Claim 9

In the Appeal Brief, Appellant argued that *Wookey* does not teach or suggest at least "multiple conditions bracketed together, wherein upon determining that such bracketed conditions exist, notifying said client of the existence of such bracketed conditions," as recited by claim 9. In response to Appeal Brief, the Examiner changed the reasoning in the rejection of claim 9, and now points to passages at column 12 of *Wookey* as teaching the above-recited feature. However, such passages merely discuss alerts, which, as explained below, fail to teach or suggest the subject matter recited by claim 9 and its base claim, claim 1.

According to claim 9, "said condition comprises: multiple conditions bracketed together." The condition referred to is introduced in claim 1, which recites, "receiving by a reporting application ... a request from a client to notify a client of a condition of an attribute of a system." Thus, the "condition" is the object of the recited "request," according to claims 1 and 9. However, in rejecting claim 1 the Examiner relies on the tests of *Wookey*, rather than the alerts, to teach a request. *See* Examiner's Answer at page 5, last paragraph, where the Examiner equates the enablement/disablement of tests by an engineer with requests. The Examiner relies on tests rather than on alerts to teach requests because the alerts of *Wookey* are not taught to affect the information returned from the tests that are run on the monitored system, whereas claim 1 recites that the request comprises information specifying a query for a system attribute, and a query is used by the reporting application to query the system. Thus, the rejections of claims 1 and 9 cannot be supported by citing *Wookey*'s alerts as teaching requests. The alerts of *Wookey* do not teach or suggest requests, and as a result, the

conditions cited by the Examiner do not teach or suggest the multiple conditions bracketed together in claim 9.

Thus, as shown above, when the language of claim 9 is read in context with its base claim, the cited alerts do not teach or suggest the claimed multiple conditions bracketed together. Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection of claim 9 be overturned.

iii.   Claim 10

In the Appeal Brief, Appellant argued that *Wookey* does not teach or suggest at least, "multiple changes bracketed together, wherein upon determining that such bracketed changes exist, notifying said client of the existence of such bracketed changes," as recited by claim 10 In response to Appeal Brief, the Examiner changed the reasoning in the rejection of claim 10 from that provided in the Final Office Action. The Examiner's Answer states:

> As disclosed by *Wookey*, a predictive alert analyzes historical and current data to identify trends (Col. 12, Lines 14-15), e.g., detecting increasing disk usage and predict the problem before the threshold of 99 % is reached (Col. 12, Lines 27-43). As seen, a current change in disk usage, and a historical change are bracketed for comparing to raise an alert before the threshold of 99 % is reached

Examiner's Answer at 12 and 36-37. In other words, the Examiner now points to passages at column 12 of *Wookey* to teach the above-recited feature; however, such passages fail to teach or suggest the feature because the passages discuss alerts, which, as explained below, fail to teach or suggest the subject matter recited by claim 10 and its base claims, claims 1 and 9.

Claim 10 depends from claim 9, and it specifies that the condition of claim 9 comprises multiple changes bracketed together. As explained above with regard to claim 9, the alerts of *Wookey* do not teach or suggest the claimed condition. As a result, the alerts of *Wookey* also do not teach or suggest the "multiple changes bracketed together" of claim 10. Thus, as shown above, when the language of claim 10 is read in context with its base claims, the cited alerts do not teach or suggest the claimed multiple changes bracketed together. Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection of claim 10 be overturned.

iv.   Claim 17

In the Appeal Brief, Appellant argued that *Wookey* does not teach or suggest "multiple changes bracketed together," as recited in part by claim 17. In response to Appeal Brief, the Examiner changed the reasoning in the rejection of claim 17 from that provided in the Final Office Action. The Examiner's Answer states:

> As disclosed by *Wookey*, a predictive alert analyzes historical and current data to identify trends (Col. 12, Lines 14-15), e.g., detecting increasing disk usage and predict the problem before the threshold of 99 % is reached (Col. 12, Lines 27-43). As seen, a current change in disk usage, and a historical change are bracketed for comparing to raise an alert before the threshold of 99 % is reached

Examiner's Answer at 16 and 42. In other words, the Examiner now points to passages at column 12 of *Wookey* to teach the above-recited feature; however, such passages fail to teach or suggest the feature because the passages discuss alerts, which fail to teach or suggest the subject matter recited by claim 17 and its base claim, claim 13. The alerts of *Wookey* do not teach or suggest the multiple changes bracketed together of claim 17 for the same reasons that the alerts of *Wookey* do not teach or suggest the subject matter of claims 9 and 10. That is, when the language of claim 17 is read in context with the language of its base claim, claim 13, it is apparent that the alerts do not teach or suggest the claimed changes. Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection of claim 17 be overturned.

D.   Second Ground of Rejection

Appellant hereby reiterates the arguments presented in the Appeal Brief by reference thereto, and submits the further arguments below to address the specific points raised in the Examiner's Answer. The claims stand or fall according to the organization in the Appeal Brief as specified by 37 C.F.R. §41.37(c)(1)(vii); however, some of the arguments presented below are not argued for each claim under separate headings. Rather, various arguments may be combined for one or more claims in order to provide brevity for the convenience of the Board. Appellant maintains that the claims argued separately in the Appeal Brief should be considered separately, even if not addressed separately herein.

Claims 7 and 14 are rejected under 35 U.S.C. §103(a) over *Wookey* in view of *Sybase*. Appellant traverses the rejection of claims 7 and 14 by showing lack of proper motivation to

combine *Wookey* and *Sybase* and failure to show claimed limitations in the combination of *Wookey* and *Sybase*.

        1.   Lack of Motivation to Modify

The proposed modifications of *Wookey* are improper because the motivation provided by the Examiner is incorrect. In rejecting claims 7 and 14, the Examiner provides the following reasoning:

> Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the diagnostic test for querying the system and using SQL as taught by *Sybase* to implement the test in order to issue an alert indicating predefined condition exist in a computer system.

See Final Action at 26. As explained in the Appeal Brief, such a motivation is incorrect because the system of *Wookey*, without modification or combination, already issues an alert indicating a predefined condition exists in a computer system. *See Wookey* at Abstract, first sentence. Accordingly, one of ordinary skill in the art would not be motivated to combine *Wookey*, as proposed.

In the Examiner's Answer, the Examiner does not cure the deficiency nor adequately explain the motivation supplied in the Final Action. Note, for instance, the response argument at pages 47-48 of the Examiner's Answer. In the arguments, the Examiner appears to describe various features of the *Wookey* system, specifically emphasizing enablement and disablement of tests according to the monitored system. Without conceding that the Examiner's assertions in the arguments correctly characterize *Wookey*, it is asserted that the arguments are irrelevant to the issue of motivation to combine. For instance, the arguments do not address the fact that *Wookey*, without being combined with features from *Sybase*, issues an alert indicating a predefined condition exists in a computer system. Further, the arguments do not clarify the original statement regarding motivation, nor do they provide another reason why one of ordinary skill in the art would be motivated to combine *Wookey* and *Sybase*. Thus, the rejection fails to provide proper motivation for the modification.

An additional instance of lack of motivation to modify *Wookey* exists in the rejections. In the Response to Arguments portion of the Examiner's Answer, the Examiner states:

> As seen, in order to receive an alert of a particular system attribute... a support engineer at the monitoring computer system 100 has to make a request of a specific test to be enabled... by selecting, and the enable request is from the support engineer as client. In order to enable a test to get the test data... the test name has to be specified in the enable request, ... and the test or query is specified by the enable request via the test name.
>
> As supportive evidence for examiner's conclusion, the examiner respectfully refers appellants to USP 6,023,507... As illustrated in USP 6,023,507, the monitoring software on the monitored system includes an administrator tool, and communications software (Col. 5, Lines 56-59) for communicating with monitoring system (Col. 5, Line 66-Col. 6, Line 2).

Examiner's Answer at 50 (emphasis omitted). It appears from this paragraph that the Examiner is suggesting that specifying a particular test by name is not taught or suggested by *Wookey* but is known in the art. However, the Examiner has not provided any reason why one of skill in the art would be motivated to modify *Wookey* to provide for specifying a particular test by name. Thus, the rejection fails to provide proper motivation for the modification, and no prima facie case of obviousness is made. Accordingly, the rejection of claims 7 and 14 should be overturned.

2.   Failure to Teach or Suggest Every Limitation

a.   Claim 7

In addition to the lack of motivation, the 35 U.S.C. §103 rejection is improper because *Wookey* does not teach or suggest every element of claim 7. In the Examiner's Answer, the Examiner changed the arguments used in the Final Action in response to Appeal Brief. Specifically, the Examiner points to the support engineer to teach a client. *See* Examiners Answer at 20 and 50. Also, the Examiner argues that the tests must be selectively enabled by the support engineer, thereby teaching a request that is a query from a client. *See Id.*, e.g., at 21-22 and 50. However, the argument still fails to show that the claims are obvious over *Wookey* and *Sybase*.

First, contrary to the Examiner's assertion, a test is not "a request from a client to notify said client of a condition of an attribute of a system," as recited by claim 7. As mentioned above, *Wookey* does not teach or suggest that a support engineer sees the results of the tests; rather, output is in the form of alerts, token values, or host states, not test results. *See Wookey* at Col. 11, lines 8-44, and Col. 16, lines 41-42. Thus, the tests themselves are

not requests "from a client to notify said client of a condition of an attribute of a system." Accordingly, the Examiner's new reading of *Wookey* fails to teach or suggest "a request from a client to notify said client of a condition of an attribute of a system," as recited by claim 7.

Additionally, the Examiner's reasoning in reaching the conclusion that *Wookey* teaches or suggests, "querying said system as specified by said request," as recited by claim 7, is incomplete. For example, *Wookey* does not teach or suggest that the tests can be selectively enabled by a support engineer, as alleged by the Examiner. The Examiner states:

> As seen, in order to receive an alert of a particular system attribute... a support engineer at the monitoring computer system 100 has to make a request of a specific test to be enabled... by selecting, and the enable request is from the support engineer as client. In order to enable a test to get the test data... the test name has to be specified in the enable request, ... and the test or query is specified by the enable request via the test name.

Examiner's Answer at 50 (emphasis omitted). However, the Examiner incorrectly assumes that *Wookey* teaches that the support engineer can enable or disable tests. *Wookey* merely states at column 16, lines 19-20 that the tests can be selectively enabled or disabled "according to the monitored system." In fact, it appears that this is the only sentence in *Wookey* that mentions such enabling and disabling. *Wookey* does not teach or suggest that a support engineer can perform the enabling and disabling because merely mentioning enabling and disabling is not enough, without more, to teach or suggest who or what performs the enabling and disabling.

The second hole in the Examiner's reasoning is evident from the above-quoted passage from the Examiner's Answer, wherein the Examiner states that "a support engineer at the monitoring computer system 100 has to make a request of a specific test to be enabled," (emphasis added). Once again, the Examiner reads too much into *Wookey*, as *Wookey* does not teach or suggest that a support engineer must enable specific tests. That specific tests may be enabled or disabled is not enough, without more, to teach that a support engineer must enable tests.

Thus, *Wookey* does not teach or suggest that a support engineer may or must enable or disable tests in the *Wookey* system. Accordingly, the new reasoning fails to support the rejections. Should the Examiner argue that selectively enabling and disabling is a known

feature that may be combined with *Wookey*, such an assertion is proper only in a new ground of rejection with the requisite motivation.

As shown above, the new reading of *Wookey* in the Examiner's Answer still fails to show that *Wookey* teaches or suggests "querying said system as specified by said request," as recited by claim 7. Further, the new reading also fails to show that *Wookey* teaches or suggests, "a request from a client to notify said client of a condition of an attribute of a system," as recited by claim 7. Accordingly, reversal of the rejection of claim 7 is respectfully requested.

b.   Claim 14

It is respectfully submitted that dependent claim 14 is allowable at least because of its dependence from claim 13 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejection of claim 14 be reversed.

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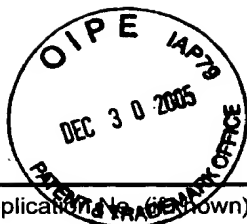
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Respectfully submitted,

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